

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**AARON ABADI,**

Plaintiff,

-against-

**AMERICAN AIRLINES, INC., et al.,**

Defendants.

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**Case 23-CV-4033 (LJL)**

**MOTION FOR ALTERNATIVE SERVICE**

**AND TO REMOVE AEROFLOT AS DEFENDANT**

Comes now Plaintiff Aaron Abadi, appearing pro se, and respectfully moves this Honorable Court for the following relief.

On August 21, 2023, this Court granted Plaintiff's request to proceed in forma pauperis (Doc. 13), thereby waiving the associated fees. Subsequently, on August 31, 2023, after reviewing the case, the Court directed the Court Clerk to arrange for the United States Marshals ("Marshals") to serve the summons and complaint to all Defendants (Doc. 18).

On December 1, 2023, the Court extended the deadline for serving the Defendants until March 1, 2024 (Doc. 209), affording the Marshals additional time for service. Notably, the Court explicitly stated that no further extensions would be entertained.

During the period between submitted waivers of service and successful Marshals' service, fifty-seven out of sixty-one initial Defendants have been served. Regrettably, four Defendants remain unserved and have not submitted any waiver of service. They are as follows:

1. Defendant PJSC AEROFLOT – RUSSIAN AIRLINES DBA **AEROFLOT** ("Aeroflot"): Despite diligent efforts, service upon this Defendant proved unsuccessful. Aeroflot did not respond to the waiver of service, and the Marshals were unable to locate them at the provided address, ultimately filing an unexecuted service (Doc. 295). It has come to Plaintiff's attention, based on credible information, that Aeroflot no longer maintains operations in the United States due to sanctions related to the Russian/Ukrainian conflict. Consequently, Plaintiff seeks to withdraw the claim against Aeroflot and have Aeroflot removed from the Complaint as a Defendant.

2. Defendant **AIR CHINA LIMITED** ("Air China"): Despite attempts by the Marshals to serve them at their listed address in Texas, no tenant was found at the location, resulting in an unexecuted service (Doc. 90). Subsequently, Plaintiff provided an updated address for service (Doc. 95), which is as follows:

Air China Limited  
customer\_relations@airchina.com  
350 Fifth Ave. Suite 6905  
New York, NY 10118

3. Defendant **CHINA SOUTHERN AIRLINES COMPANY LIMITED** ("China Southern"): Despite being notified through attorneys, China Southern declined to authorize a waiver of service. Furthermore, when the Marshals attempted service at their New York address, they refused to accept service, providing an alternative address in California (Doc 251 – filed 12/27/2023). Plaintiff believes, based on interactions with their New York office and attorneys, that China Southern is aware of this lawsuit. The new address provided by their New York Office is:

China Southern Airlines Co. LTD  
95539@csair.com  
17800 Castleton Street - Suite 488  
City of Industry, CA 91748

4. Defendant **SUN COUNTRY, INC. DBA SUN COUNTRY AIRLINES** ("Sun Country"): Service upon Sun Country by the Marshals was unsuccessful, with the Marshals filing a document indicating unexecuted service (Doc. 191). The contact information listed on the Sun Country website is as follows:

Sun Country Airlines  
Accessibility@suncountry.com  
2005 Cargo Road  
Minneapolis, MN 55450

Despite diligent efforts, these airlines have not responded to the summons and complaint, nor have they acknowledged the request for a waiver.

Plaintiff respectfully requests this Honorable Court to permit him to serve these three Defendants, namely, China Air, China Southern, and Sun Country, by

mailing the summons and complaint via certified mail to the addresses provided above. Additionally, Plaintiff will send the summons and complaint to their respective email addresses listed above. Furthermore, if this motion is granted, Plaintiff will include a copy of the Order in his correspondence.

In the alternative, should this Court decline to grant this motion, Plaintiff respectfully asks whether the Court Clerk could notify the Marshals of these corrected addresses and whether the Court could grant the Marshals an additional week or two to effect service on these remaining three Defendants.

WHEREFORE, Plaintiff respectfully requests this Court to dismiss Aeroflot from the lawsuit and to authorize alternative service for the remaining three Defendants as detailed herein, or to instruct the Marshals to carry out service, along with any other relief deemed appropriate by the Court in addressing this matter.

Respectfully submitted this 19<sup>th</sup> day of February, 2024.

*s/Aaron Abadi*

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